



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable D. C. Greer
Texas Highway Engineer
Texas Highway Department
Austin, Texas

Dear Sir:

Opinion No. O-5152-A

Re: Under the facts submitted as discussed in our previous Opinion No. O-5152, what disposition should now be made of the funds collected for issuance of certificate of title and held in the State Highway Department.

In our Opinion No. O-5152 of the 16th of April, 1943, we held that the checks now held by you in connection with your inquiry should be turned over to the State Treasurer.

That opinion was predicated on our construction of the order of the Supreme Court in the case of Jim H. Glass, et al, v. The State of Texas, et al, in refusing applications for writs of error for want of merit.

On April 21, 1943, the Supreme Court entered the following order:

"Application No. 26843.

THE STATE OF TEXAS ET AL.,

Petitioners,

v.

JIM H. GLASS ET AL.,

Respondents.

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"Application No. 26844.

JIM R. GLASS ET AL.,

Petitioners,

v.

THE STATE OF TEXAS ET AL.,

Respondents.

Per Curiam:

The above-numbered and entitled applications for writs of error were filed in the cause of State et al. v. Glass et al., No. 11441, in the Court of Civil Appeals at Galveston. The opinion of the Court of Civil Appeals is reported in 167 S.W. (2d) 296, and we refer to that opinion for a full statement of the facts and issues involved. Heretofore, on February 17, 1943, we "Refused for Want of Merit" both of the above applications. It is now ordered that the orders above indicated be, and the same are hereby, set aside, and that both of said applications be Refused.

Opinion delivered

April 21, 1943."

The Supreme Court, by its order above quoted, has, under Rule of Procedure 483, approved the principles of law declared in the opinion of the Court of Civil Appeals, to the effect that your Department has no interest in the funds inquired about.

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In the light of the changed order of the Supreme Court, it follows, in our opinion, that the checks mentioned by you should now be returned to the respective collectors.

Yours very truly

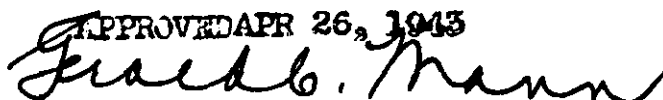
ATTORNEY GENERAL OF TEXAS

By


Eugene N. Catlett
Assistant

ENC:rw

APPROVED APR 26, 1943



ATTORNEY GENERAL OF TEXAS

